

HOUSE BILL 1989

By White D

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to public school charters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-13-122, is amended by deleting the section in its entirety and substituting instead the following language:

(a) A public charter school agreement shall be revoked or denied renewal by the final chartering authority if the school receives identification as a priority school, as defined by the state's accountability system, in 2015 or any year thereafter. Such revocation shall take effect immediately following the end of the school year in which the school was identified as a priority school. Nothing in this section shall prohibit a chartering authority from revoking or denying a charter school agreement for failing to meet the minimum performance requirements set forth in the charter agreement.

(b) A public charter school's identification as a priority school that is scheduled to close under this section shall be entitled to one (1) public hearing before the commissioner of education to verify the accuracy of data used to identify the school as a priority school.

(c) A public charter school agreement may be revoked or denied renewal by the final chartering authority if the chartering authority determines that the school did any of the following:

- (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter agreement;
- (2) Failed to meet generally accepted standards of fiscal management; or

(3) Performed any of the acts that are conditions for nonapproval of the charter school under §49-13-108(c).

(d) If the chartering authority revokes or does not renew a charter agreement, the chartering authority shall state its reasons for the revocation or nonrenewal.

(e) A decision not to renew or to revoke a charter agreement may be appealed to the state board of education within (10) days of the decision, except for revocations or failures to renew based on the violations specific in subsection (c). State board appeals shall be handled on the same bases as provided in § 49-13-108. This section shall apply only to decisions not to renew or to revoke a charter agreement where the LEA is the chartering authority.

(f) Except in the case of fraud, misappropriation of funds, flagrant disregard of the charter agreement of this chapter or similar misconduct, or failure to remain out of priority status, a decision to revoke a charter agreement shall become effective at the close of the academic year.

(g) The chartering authority shall have a procedure in place for the closure of a charter school prior to the decision to deny renewal or revoke a charter agreement.

Closure of a charter school by the authorizer shall be in accordance with the following:

(1) Within two (2) calendar weeks of a decision to close a charter school, the chartering authority shall meet with the school's board and leadership to establish a transition team composed of staff from the charter school, staff from the chartering authority, and anyone else the chartering authority deems necessary, that shall attend to the closure, including:

(A) The transfer of students;

(B) The release and transfer of student records to the chartering authority or the department;

(C) The release and transfer of personnel records to the chartering authority or the department;

(D) The submission of financial statements to the appropriate chartering authority or department;

(E) The disposition of school funds; and

(F) A school audit pursuant to § 49-2-112.

(2) The chartering authority and transition team shall communicate regularly and effectively with the families of students enrolled in the school, as well as with school staff and other stakeholders, to keep the families, staff and other stakeholders apprised of key information regarding the school's closing;

(3) The chartering authority and transition team shall ensure that current instruction of students enrolled in the school continues, pursuant to the charter agreement, for the remainder of the school year unless an immediate closure is deemed necessary by the chartering authority;

(4) The chartering authority and transition team shall ensure that all agencies, employees, insurers, contractors, creditors, debtors and management organizations are properly notified of the closing of the charter school; and

(5) The governing body shall continue to meet as necessary to wind down school operations, manage school finances, allocate resources and facilitate the closure.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.